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Notice of Allowability

Application No.	Applicant(s)
09/964,312	REED, CAM
Examiner	Art Unit
Laura C. Cole	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 28 March 2005.

2. The allowed claim(s) is/are 1-10.

3. The drawings filed on 19 December 2001 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
Paper No./Mail Date 04282005 .
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Repass on 28 April 2005.

The application has been amended as follows:

In the Claims:

Claim 1 Line 5 after the word "end" please insert -- defining an elongated scoop --

Claim 1 Line 6 after the word "axis" and before the comma "," please insert -- extending along the concave face and convex back, and the blade end terminating in a plane substantially perpendicular to the longitudinal axis --.

Claim 1 Lines 6-7, please delete -- said longitudinal axis defined by a lengthwise line through the blade end, --

Claim 6 Line 5 after the word "end" please insert -- defining an elongated scoop --

Claim 6 Line 6 after the word "axis" and before the comma "," please insert -- extending along the concave face and convex back, and the blade end terminating in a plane substantially perpendicular to the longitudinal axis --.

Claim 6 Lines 6-7, please delete - - said longitudinal axis defined by a lengthwise line through the blade end, - -.

Claim 8 Line 5 after the word "end" please insert - - defining an elongated scoop - -

Claim 8 Line 6 after the word "axis" and before the comma "," please insert - - extending along the concave face and convex back, and the blade end terminating in a plane substantially perpendicular to the longitudinal axis - -.

Claim 8 Lines 6-7, please delete - - said longitudinal axis defined by a lengthwise line through the blade end, - -.

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record includes a device having a scooping head comprising a blade end having a curved tip and curved edges, a concave face and convex back, said blade end defining an elongated scoop having a substantially longitudinal axis extending along the concave face and convex back, and the blade end terminating in a plane substantially perpendicular to the longitudinal axis, a head attachment end having a longitudinal axis, and said head attachment longitudinal axis being substantially parallel to the blade end longitudinal axis, a handle having a gripping end and a handle attachment end, one or more attachment poles, wherein a portion of the head attachment end being opposed from a portion of the convex back, and the blade end and head attachment are integrally formed, and wherein the head attachment

longitudinal axis and the blade end longitudinal axis form a plane, the concave face configured to open substantially perpendicular to the plane.

USPN 4,447,927 to Malless, Jr. discloses a gutter cleaning apparatus, however the scooping head does not have a blade end that has a concave face and a convex back, the blade end defining an *elongated scoop having a substantially longitudinal axis extending along the concave face and convex back, and the blade terminating in a plane substantially perpendicular to the longitudinal axis*, and a head attachment end having a longitudinal axis, said head attachment longitudinal axis *being substantially parallel to the blade end longitudinal axis*.

USPN 4,640,540 to Chisholm also discloses a gutter cleaning apparatus, however the scooping head does not have a blade end that has a concave face and a convex back, the blade end defining an *elongated scoop having a substantially longitudinal axis extending along the concave face and convex back, and the blade terminating in a plane substantially perpendicular to the longitudinal axis*, and a head attachment end having a longitudinal axis, said head attachment longitudinal axis *being substantially parallel to the blade end longitudinal axis*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

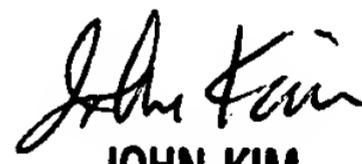
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-

1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC
LCC
28 April 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER